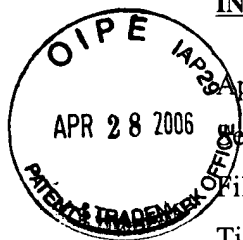


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Rodney G. Johnson

Examiner:

Mark Beauchaine

Serial No. 10/663,436

Group Art Unit:

3653

Filed: September 15, 2003

Docket No.

PA0891.ap.US

Title: SHUFFLING APPARATUS AND METHOD

MAIL STOP: 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Petition to Withdraw from Issue in Conjunction with the Filing of a Request
for Continued Examination under 37 C.F.R. §1.114
Under 37 C.F.R. §1.313(c)(2)**

Dear Sir:

Enclosed with this petition are the Petition for Request for Continued Examination (RCE), the authorization for debiting fees for the RCE from Attorney's Deposit Account No. 50-1391, the attachments required for the RCE, and a Petition to consider the existing submission in a PO-1449 in the format of a CD and DVD, already of record in the above-referenced patent application.

Applicant respectfully requests that the patent be withdrawn from issue due to the Request for Continued Examination under 37 C.F.R. §1.313(c)(2), as the timely filed form PO-1449 has not been initialed and returned at the time this petition is acted upon. Specifically, an initialed 1449 has never been received by Applicant's attorney of record.

The Regulations in 37 CFR that relate to the authority for acting on this Petition are found in the Regulation cited below, with the specific provision appropriate to this Application being **highlighted** in the text:

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§ 1.313 Withdrawal from issue.

(a) Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in 37 CFR 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary. A petition under this section is not required if a request for continued examination under 37 CFR 1.114 is filed prior to payment of the issue fee. If the Office withdraws the application from issue, the Office will issue a new notice of allowance if the Office again allows the application.

(b) Once the issue fee has been paid, the Office will not withdraw the application from issue at its own initiative for any reason except:

- (1) A mistake on the part of the Office;
- (2) A violation of 37 CFR 1.56 or illegality in the application;
- (3) Unpatentability of one or more claims; or
- (4) For interference.

(c) Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

(d) A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue. Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

The Office has a duty, under M.P.E.P §609(C), to consider and respond to

Applicants regarding references submitted during pendency of an application.

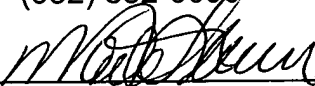
According to the above discussion, Applicant respectfully submits that the Office

has not done so in handling of the above referenced application and, therefore, requests that the application be withdrawn from issue under 37 C.F.R. §1.313, after payment of the issue fee. Please contact the undersigned attorney of record if there are any questions related to this matter.

Respectfully submitted,
Rodney G. Johnson et al.
By Their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090

Date: 25 APRIL 2006 By: _____


Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being facsimile sent by First Class US Mail with postage prepaid and addressed to the United States Patent and Trademark Office, addressed to: **Mail Stop 313(c)**, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on
APRIL 25 2006.

Mark A. Litman _____

